

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Yasir Mehmood,
5 Petitioner

6 v.

7 U.S. Attorney General, et al.,
8 Respondents

Case No.: 2:18-cv-00531-JAD-NJK

**Order Dismissing Petition and Closing
Case**

[ECF Nos. 1, 1-1, 3]

9 Pro se petitioner Yasir Mehmood petitions for a writ of habeas corpus under 28 U.S.C. §
10 2241, challenging his continued detention by United States Immigration and Customs
11 Enforcement (ICE) with no bond hearing.¹ He also applies to proceed *in forma pauperis*.²

12 When an alien is held in custody under 8 U.S.C. § 1226(a), he is entitled to a bond
13 hearing before an Immigration Judge (IJ) while his petition for review of the removal order is
14 pending.³ If he is dissatisfied with the IJ's bond determination, he may file an administrative
15 appeal so that "the necessity of detention can be reviewed by . . . the [Board of Immigration
16 Appeals]" (BIA).⁴ If he remains dissatisfied, he may file a petition for habeas corpus in the
17 district court.⁵

18 Mehmood alleges that on February 22, 2018, the BIA remanded his case to the IJ to
19 reconsider his bond request.⁶ Mehmood therefore alleges that he has not yet exhausted his
20 administrative remedies. Accordingly, IT IS HEREBY ORDERED that Mehmood's application
21 to proceed *in forma pauperis* [ECF No. 1] is **DENIED as moot**.

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23 ¹ ECF No. 1-1.

24 ² ECF No. 1.

25 ³ See *Casa-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942, 951 (9th Cir. 2008).

26 ⁴ *Prieto-Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008).

27 ⁵ See *Singh v. Holder*, 638 F.3d 1196, 1200–03 (9th Cir. 2011).

28 ⁶ ECF No. 1-1 at 3.

1 The **Clerk of Court** is directed to **DETACH and FILE** the petition [ECF No. 1-1].

2 IT IS FURTHER ORDERED that the petition is **DISMISSED** without prejudice to
3 Mehmood's ability to file a new, separate petition, and a fully complete application to proceed *in*
4 *forma pauperis*—including the required financial statements—after he has exhausted his
5 administrative remedies.

6 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

7 IT IS FURTHER ORDERED that Mehmood's motion to clarify indigency request [ECF
8 No. 3] is **DENIED** as moot.

9 The **Clerk of Court** is directed to **ENTER JUDGMENT accordingly and CLOSE**
10 **THIS CASE**.

11 Dated: April 13, 2018

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13 U.S. District Judge Jennifer A. Dorsey
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